

IN THE MATTER OF

DARLA CROCE

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BEFORE THE MARYLAND

BOARD OF PHYSICAL

THERAPY EXAMINERS

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Physical Therapy Examiners (the "Board") received a complaint from a physical therapist alleging that Darla Croce (the "Respondent") was performing physical therapy procedures without a license. As a result, the Board conducted an investigation into the matter which confirmed that the Respondent, an unlicensed individual, performed physical therapy procedures on at least nine (9) patients.

In lieu of formal proceedings against the Respondent for violation of the Maryland Physical Therapy Act, Md. Code Ann., Health Occ. § 13-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference with the Respondent and her counsel on April 11, 2011. As a result, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. The Board received a complaint from a physical therapist alleging that the Respondent was rendering physical therapy services at Rehab at Work without a license.
2. The Respondent is a kinesiotherapist and is certified by the Workers' Compensation Commission to provide work hardening services.
3. The Respondent is not, and has never been, licensed as a physical therapist or physical therapist assistant.

4. Kinesiotherapy is not a regulated healthcare profession in Maryland.
5. For at least nine patients, the Respondent performed therapeutic exercises and neuromuscular education pursuant to a physical therapy plan of care developed by a physical therapist.
6. The Respondent completed accurate fee sheets for the above services.
7. Therapeutic exercise and neuromuscular education, performed in accordance with a physical therapy plan of care, are procedures within the scope of physical therapy practice that require a physical therapist or physical therapist assistant license, unless otherwise appropriately licensed.
8. For at least one patient, a physical therapist was not on the premises when the Respondent was rendering physical therapy treatment.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent is subject to a civil fine in accordance with Md. Code Ann., Health Occ. §§13-401 and 13-407 for practicing physical therapy without a license.

ORDER

Based on an affirmative vote of a quorum of the Board, it is this 10th day of OCTOBER, 2011, hereby:

ORDERED that the Respondent shall pay a civil fine in the amount of Five Thousand Dollars (\$5,000.00), payable to the Maryland Board of Physical Therapy Examiners within one (1) year of the date of this Order; and be it further,

ORDERED that the Respondent shall cease and desist any and all practice of physical

therapy or limited physical therapy, including but not limited to, therapeutic exercises and neuromuscular education, unless and until the Respondent is appropriately licensed in Maryland as a healthcare practitioner legally authorized to perform such procedures; and be it further,

ORDERED that in the event that the Respondent fails to comply with the terms of this Order, the Board may, after notice and a hearing, impose further civil monetary penalties, and may initiate injunctive action in accordance with Health Occ., Sec. 13-318; and be it further,

ORDERED that this is a formal order of the Maryland Board of Physical Therapy Examiners and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

10/18/2011
Date


John Baker, D.P.T., D.Sc. PT
Chair, Board of Physical Therapy Examiners

CONSENT

1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and to all other substantive and procedural protections provided by law.
2. By signing this Consent, I waive any rights I may have had to contest the findings and

determinations contained in this Consent Order.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

5-25-11
Date

Darla Croce
Darla Croce

STATE OF MARYLAND
COUNTY/CITY OF Montgomery:

I hereby certify that on this 25 day of May, 2011, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared DARLA CROCE and made an oath in due form that the foregoing Consent was her voluntary act and deed.

[Signature]
Notary Public
My commission expires: 2/2/2014